

THE HONORABLE JOHN H. CHUN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

KIM SNELL,

Plaintiff,

v.

THE STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES, JUDITH A.
FITZGERALD and UNA I. WILEY,

Defendants.

NO. C20-6028-JHC

STIPULATED AMENDED
JUDGMENT

JUDGMENT SUMMARY

Judgment Creditor:

Kim Snell

Judgment Creditor's Attorney:

Richard H. Wooster
Kram & Wooster, P.S.
1901 So. I St.
Tacoma, WA 98405
(253) 572-4161

Judgment Debtor:

State of Washington

Judgment Amount:

\$2,492,589.00

Pre-Judgment Interest:

\$0.00

Post-Judgment Interest:

\$0.00

Attorneys' Fees:

\$635,231.00

Costs:

\$7,635.64

THIS MATTER was tried to a jury from May 31-June 8, 2023. On June 9, 2023, the jury returned a verdict in favor of Plaintiff Kim Snell and against Defendants Washington Department of Social and Health Services, Judith Fitzgerald, and Una Wiley on her claims of whistleblower retaliation in violation of the State Employee Whistleblower Protection Act, R.C.W. ch. 42.40, and the Washington Law Against Discrimination, R.C.W. ch. 49.60. The jury's verdict was reduced to Judgment in the amount of \$2,404,000.00 and entered by the Court on June 9, 2023.

At trial, Plaintiff Kim Snell was represented by Richard H. Wooster and Devin Epp of Kram & Wooster, P.S. The defendants were represented by Assistant Attorneys General Michelle H. Hansen and Scott M. Barbara. Pursuant to R.C.W. 42.40.050, which incorporates the remedies provided under R.C.W. ch. 49.60, and R.C.W. 49.60.030, Plaintiff Kim Snell, as the prevailing party, is entitled to seek recovery of her attorneys' fees and costs. Plaintiff Kim Snell is also entitled to seek an award of additional damages to offset the adverse tax consequences of receiving lost wages and benefits as a lump sum rather than over time pursuant to *Blaney v. Int'l Ass'n of Machinists & Aerospace Workers, Dist. 160*, 151 Wn.2d 203, 87 P.3d 757 (Wash. 2004).

Accordingly, the parties, by and through counsel, hereby stipulate and agree, and the Court finds to be reasonable, the following attorneys' fees, costs, and *Blaney* damages, and enters this Stipulated Amended Judgment resulting from the jury's verdict:

<u>Judgment:</u>	\$2,492,589.00
Verdict Damages:	\$2,404,000.00
<i>Blaney</i> Damages:	\$88,589.00
<u>Attorneys' Fees:</u>	\$635,231.00
Richard Wooster: \$600/hr x 780.5 hrs =	\$468,300.00
Devin Epp: \$300/hr x 554.22 hrs =	\$166,266.00
Allen McKenzie: \$350/hr x 1.9 hrs =	\$665.00

1 Costs: \$7,635.64

2 Recoverable Costs through Trial: \$3,610.64

3 Expert Calculations of *Blaney* Damages: \$4,025.00

4 **Total Judgment, Fees, and Costs:** **\$3,135,455.64**

5 The parties, by and through counsel, further stipulate that, pursuant to R.C.W. 4.92.075,
6 the Judgment Creditor, Plaintiff Kim Snell, shall seek satisfaction of this Stipulated Amended
7 Judgment only from the state of Washington and that this Stipulated Amended Judgment shall
8 not become a lien upon any property of Defendants Judith A. Fitzgerald or Una I. Wiley.

9 IT IS SO ORDERED this 21st day of June, 2023.

10 

11 JOHN H. CHUN
12 U.S. District Judge

13
14 Stipulated to and Jointly Presented By:

15 KRAM & WOOSTER, P.S.

16 ROBERT W. FERGUSON
Attorney General

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